

#516
BILL NO. Z-92-07-05

ZONING MAP ORDINANCE NO. Z- 07-92

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. H-26.

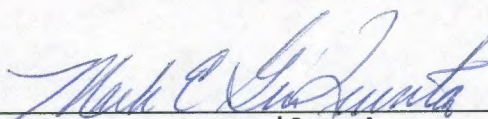
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated an M-2 (General Industrial) District under the
terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

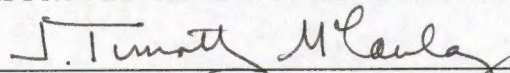
The East 330 feet of the West 990 feet of the North Half
of the Southeast Quarter of the Northwest Quarter of
Section 28, Township 31 North, Range 12 East, Allen
County, Indiana, except the North 25 feet thereof for the
right of way Burma Road,

and the symbols of the City of Fort Wayne Zoning Map No. H-26,
as established by Section 11 of Chapter 33 of the Code of the
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds,
and duly adopted, read the second time by title and referred to the
Committee on Regulation (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock
_____, M., E.S.T.

DATED: 7-14-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds,
and duly adopted, placed on its passage. PASSED 1059
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 8-11-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL)
(SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. 2-07-92
on the 11th day of August, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 12th day of August, 1992,
at the hour of 10:30 o'clock P., M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of August,
1992, at the hour of 4:30 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

GENERAL FORM NO. 352

CK # 1419

No 10916

COMMUNITY & ECONOMIC DEVELOPMENT

Ft. WAYNE, IND., June 17 1992

RECEIVED FROM DAN Strayer

\$ 200⁰⁰

THE SUM OF Two Hundred and no/100's

DOLLARS

ON ACCOUNT OF Regency e 3221 Burma Road.

100

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

W. E. O'Brien

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

My # H-26

RECEIPT NO. # 10916

THIS IS TO BE FILED IN DUPLICATE

DATE FILED

INTENDED USE

I/We GARY & DAWN LUEBKE

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an M-2 District the property described as follows:

The East 330 feet of the West 990 feet of the North Half of the Southeast Quarter of the Northwest Quarter of Section 28, Township 3 North, Range 12 East, Allen County, Indiana, except the North 25 Feet thereof for the right of way of Burma Road.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: AT OR NEAR 3221 BURMA RD.

FT. WAYNE, IN 46808

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

GARY LUEBKE

1231 SCOTS, NEW HAVEN, CT 06774

Gary D. Luebke

DAWN LUEBKE

" " "

Dawn H. Luebke

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____ (OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

Daniel A. Sawyer

(Name)

3010 DICKINSON LN. FT. WAYNE, IN 46804

(Address & Zip Code)

432-8704

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

The East 330 feet of the West 990 feet of the North Half of the
Southeast Quarter of the Northeast Quarter of Section 28, Township 31 North
Range 12 East, Allen County, Indiana, except the North 25 Feet thereof
for the right of way Bureau Road.

Owners of Property

<u>GARY LUEBKE</u>	<u>1231 SCOTS, New Haven, IN ⁴⁶⁷⁷⁴</u>	
<u>DAWN LUEBKE</u>	<u>" " " "</u>	
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

OWENS

RUSSELL ASSOCIATES

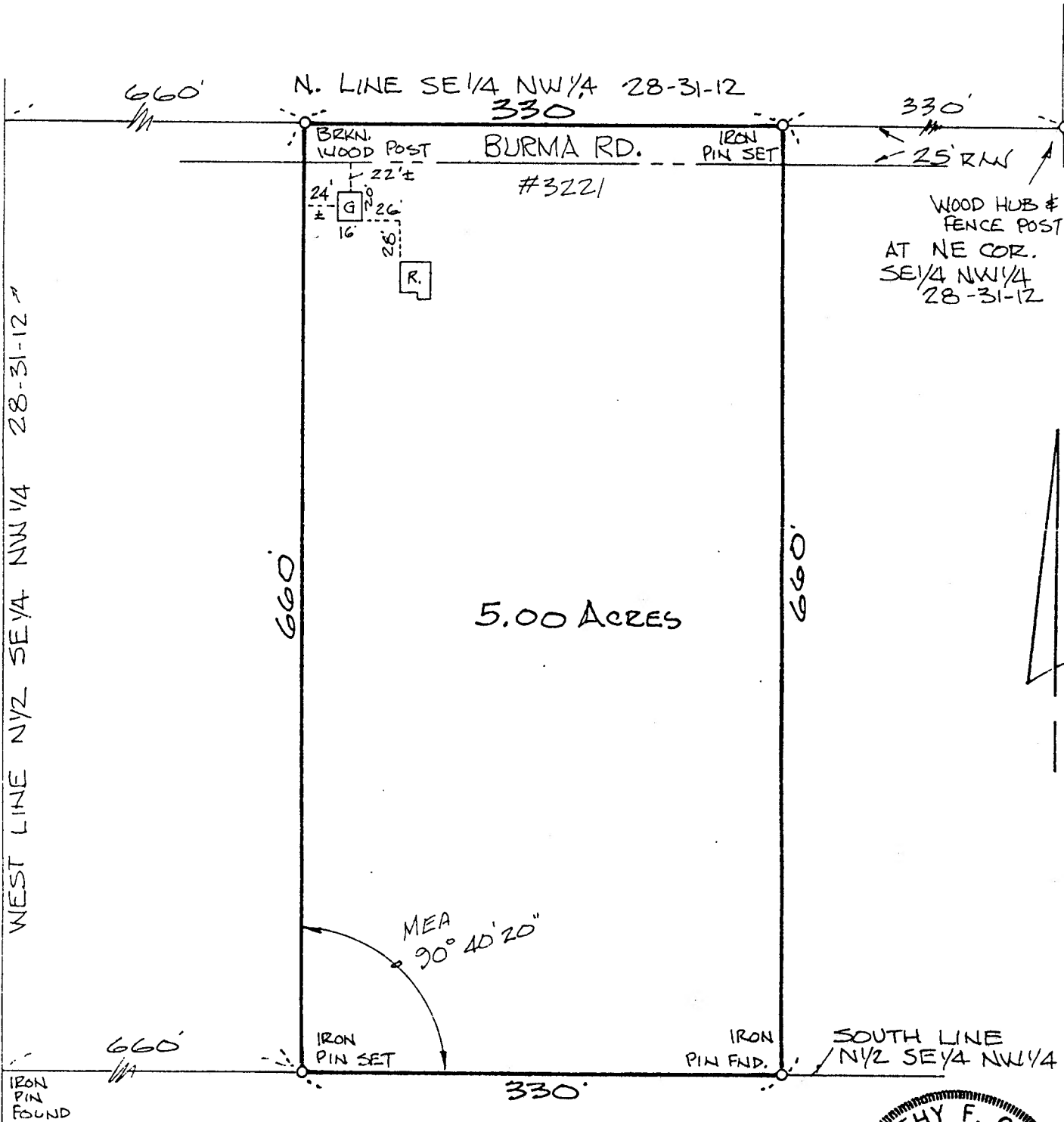
1402 EAST STATE BLVD.
FORT WAYNE, IN. 46805
PHONE: 484-7500

CERTIFICATE OF SURVEY

The undersigned Land Surveyor, registered under the Laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below, that measurements were made and monuments were set in conformity with records on file in the office of the Recorder of ALLEN County, Indiana and that any encroachments or discrepancies found on said real estate are shown below.

Legal description of real estate:

The East 330 feet of the West 990 feet of the North Half of the Southeast Quarter of the Northwest Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, except the North 25 feet thereof for the right of way of Burma Road.



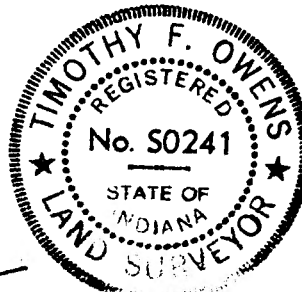
THE ABOVE DESCRIBED PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA AS SHOWN IN THE HUD-FIA FLOOD HAZARD BOUNDARY MAPS

FOR THE EXCLUSIVE USE OF:

Hartzog/Luebke

DATE November 09, 1984

JOB NO. 1084 - 71

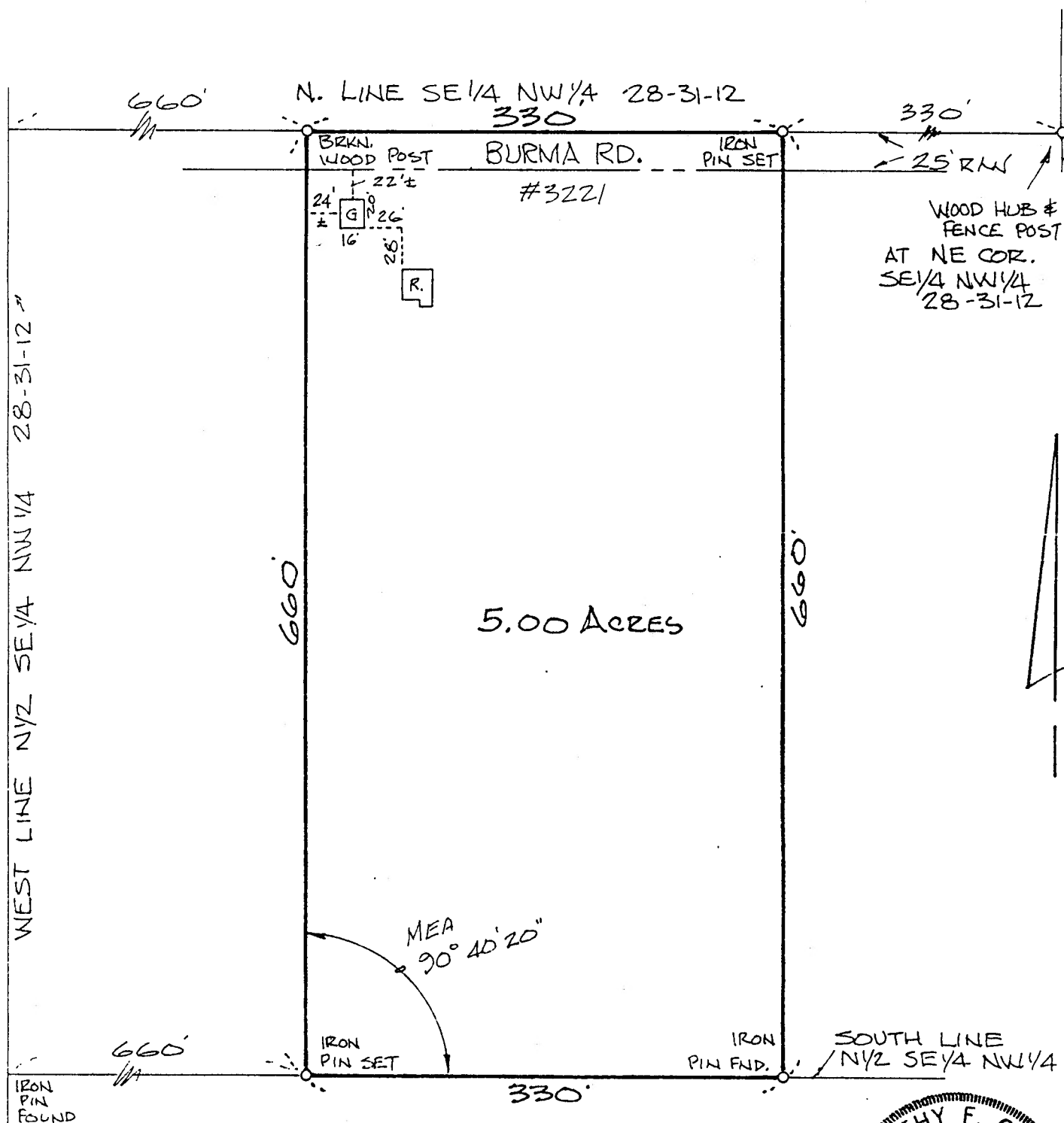


Timothy F. Owens

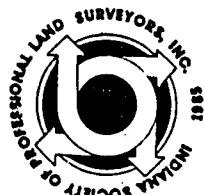
1402 EAST STATE BLVD.
FORT WAYNE, IN. 46805
PHONE: 484-7500

The undersigned Land Surveyor, registered under the Laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below, that measurements were made and monuments were set in conformity with records on file in the office of the Recorder of ALLEN County, Indiana and that any encroachments or discrepancies found on said real estate are shown below.

The East 330 feet of the West 990 feet of the North Half of the Southeast Quarter of the Northwest Quarter of Section 28, Township 31 North, Range 12 East, Allen County, Indiana, except the North 25 feet thereof for the right of way of Burma Road.



JOB NO. 1084 - 71



Timothy F. Owens

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 14, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-07-05; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 20, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

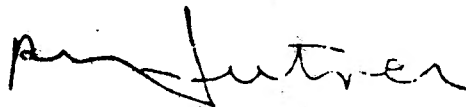
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 27, 1992.

Certified and signed this
28th day of July 1992.



Robert Hutner
Secretary

Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment
From R-1 to M-2

DETAILS

Specific Location and/or Address 3221 Burma Road
Reason for Project Sale of property for future development.
Discussion (Including relationship to other Council actions) <u>20 July 1992 - Public Hearing</u> Gary Lubke, petitioner and owner of the property in question appeared before the Commission. Mr. Lubke stated that he was requesting the rezoning for a potential purchaser. Charles Layton questioned how people would access the property. Would it be down Burma Road. Mr. Lubke stated that it would eventually. He stated that currently it is landlocked. Mr. Lubke stated that the property is sandwiched in between two industrial zones and there is an industrial park behind the property. Mark Gensic questioned what was on the north side of Burma Road. Mr. Lubke stated that it used to be Associated Truck Line and then Ditch Witch.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Gary & Dawn Lubke City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

27 July 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

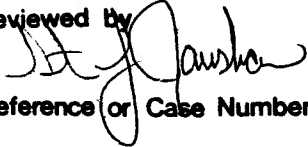
Date 17 June 1992

Projected Completion or Occupancy

Date 28 July 1992

Fact Sheet Prepared by
Patricia Biancaniello

Date 28 July 1992

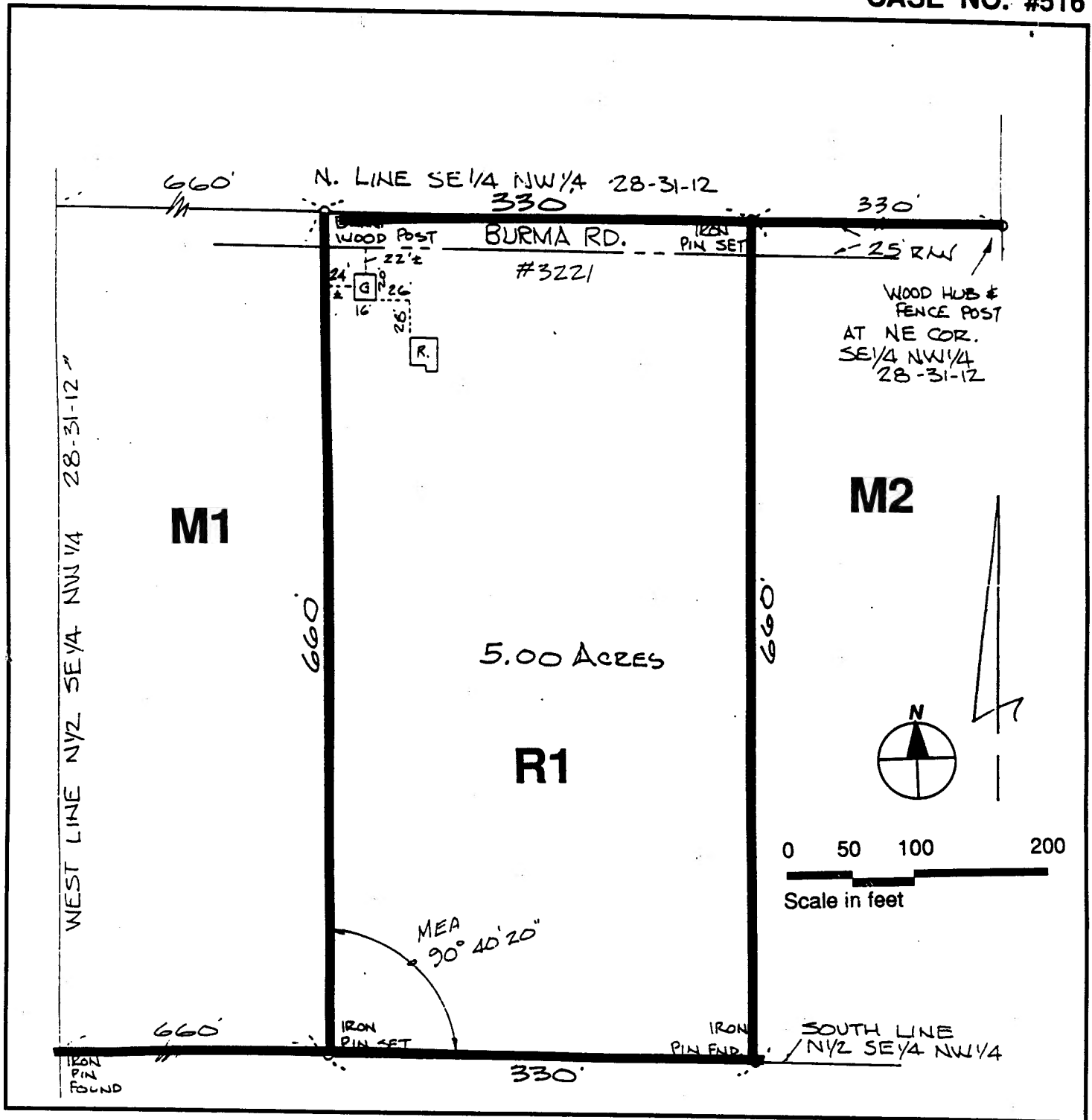
Reviewed by

Reference or Case Number

Date 28 July 1992

REZONING PETITION

AREA MAP

CASE NO. #516



COUNCILMANIC DISTRICT NO. 3

Map No. H-26
LW 6-22-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

#516

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3221 Burma Rd

2-92-07-05

EFFECT OF PASSAGE Property is currently zoned R-1 - Single Family Residential. Property will become M-2 - General Industrial District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. Z-92-07-05

REPORT OF THE COMMITTEE ON
REGULATIONS

CLETUS R. EDMONDS, CHAIR
MARK E. GIAQUINTA, VICE CHAIR
RAVINE, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No. H-26

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u>C R Edmonds</u>			
<u>Mark E. Giaquinta</u>			
<u>[Signature]</u>			

DATED: 8-11-92

Sandra E. Kennedy
City Clerk